

[DISCUSSION DRAFT]

109TH CONGRESS
1ST SESSION

H. R. _____

To [purpose to be supplied]

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To [purpose to be supplied]

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “_____ Act of 2005”.

6 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—BROADBAND INTERNET TRANSMISSION SERVICES

- Sec. 101. Jurisdiction.
- Sec. 102. Registration of BITS providers.
- Sec. 103. Interconnection and exchange of traffic.



- Sec. 104. Access to BITS.
- Sec. 105. Rights with respect to telecommunications services and special access tariffs.
- Sec. 106. Coordination for interconnectivity.

TITLE II—VOIP SERVICES

- Sec. 201. Jurisdiction.
- Sec. 202. Registration of VOIP service providers.
- Sec. 203. Exchange of traffic.
- Sec. 204. Emergency services.
- Sec. 205. Revision of universal service requirements.
- Sec. 206. Number portability and access to numbers.
- Sec. 207. Provision of relay service.

TITLE III—VIDEO SERVICES

- Sec. 301. Jurisdiction.
- Sec. 302. Registration of broadband video service providers.
- Sec. 303. Broadband video service franchising.
- Sec. 304. Application of video regulations to broadband video service providers.
- Sec. 305. Implementation.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Regulations.
- Sec. 402. Registration statements.
- Sec. 403. National consumer protection standards.
- Sec. 404. Protection of consumer privacy.
- Sec. 405. Access by persons with disabilities.
- Sec. 406. Management of rights-of-way.
- Sec. 407. Access to poles, ducts, conduits, and rights-of-way.
- Sec. 408. Standard setting.
- Sec. 409. Government authority to provide services.
- Sec. 410. Preservation of existing laws.
- Sec. 411. Complaints to the Commission.
- Sec. 412. Commission authority over documents.
- Sec. 413. Revocation of registration.
- Sec. 414. Additional remedies.

1 **SEC. 2. DEFINITIONS.**

2 (a) TERMS.—For purposes of this Act:

3 (1) BIT.—The term “BIT” or “broadband
4 Internet transmission” means the transmission of
5 information in a packet-based protocol, including
6 TCP/IP protocol or a successor protocol, regardless
7 of the facilities used.



1 (2) BIT PROVIDER.—The term “BIT provider”
2 means any person who provides or offers to provide
3 BIT, either directly or through an affiliate.

4 (3) BITS.—The term “BITS” or “broadband
5 Internet transmission service”—

6 (A) means a packet-switched transmission
7 service that is offered to the public, or to such
8 classes of users as to be effectively available di-
9 rectly to the public, with or without a fee, and
10 that, regardless of the facilities used, transmits
11 packetized information to or from a subscriber
12 in a packet-based protocol, including TCP/IP or
13 a successor protocol;

14 (B) includes any features, functions, and
15 capabilities, as well as any associated
16 packetized facilities, network equipment, and
17 electronics, used to transmit or route packetized
18 information in a packet-based protocol;

19 (C) may include Internet access services;

20 (D) does not include any time division
21 multiplexing features, functions, and capabili-
22 ties; and

23 (E) may be included or offered with, but
24 shall not be treated as subsumed in or



1 subsuming, VOIP service or broadband video
2 service.

3 (4) BITS PROVIDER.—The term “BITS pro-
4 vider” means any person who provides or offers to
5 provide BITS, either directly or through an affiliate,
6 over facilities the service provider or its affiliate
7 owns or controls.

8 (5) BROADBAND VIDEO SERVICE.—The term
9 “broadband video service” means a two-way service
10 that—

11 (A) is offered, with or without a fee, to the
12 public or to such classes of users as to be effec-
13 tively available to the public, regardless of the
14 facilities used;

15 (B) is offered in a manner that enables
16 subscribers to integrate—

17 (i) a video programming package,
18 with

19 (ii) customizable, interactive voice and
20 data features, functions, or capabilities,
21 which may include caller identification, call
22 management, and the ability to access in-
23 formation derived from the Internet; and



1 (C) may be included or offered with, but
2 shall not be treated as subsumed in or
3 subsuming, VOIP service or BITS.

4 (6) BROADBAND VIDEO SERVICE PROVIDER.—

5 The term “broadband video service provider” means
6 any person who provides, or offers to provide, di-
7 rectly or through an affiliate, a broadband video
8 service that is delivered directly to subscribers over
9 facilities the service provider or its affiliate owns or
10 controls.

11 (7) BUSINESS INFORMATION STATEMENT.—The
12 term “business information statement” means, with
13 respect to any provider of a service under this Act,
14 a statement of—

15 (A) the name under which the provider is
16 doing or intends to do business; and

17 (B) the location of the provider’s principal
18 business office, and the name, address, and
19 telephone and fax number of its agent in the
20 State authorized to receive notice.

21 (8) FRANCHISE.—The term “franchise” means
22 an authorization, or renewal thereof, that authorizes
23 under section 303 of this Act the operation of a
24 broadband video service in a local franchise area.



1 (9) FRANCHISE FEE.—The term “franchise
2 fee”—

3 (A) includes any fee or assessment of any
4 kind or nature, including (without limitation)
5 cash, credits, property and in-kind contributions
6 (services or goods), imposed by a franchising
7 authority or other governmental entity on a
8 broadband video service, broadband video serv-
9 ice provider, or broadband video service sub-
10 scribe, or any combination thereof, solely be-
11 cause of their status as such; and

12 (B) does not include—

13 (i) any fee or assessment of general
14 applicability (including any such fee or as-
15 sessment imposed on utilities, cable opera-
16 tors, BITS providers, and broadband video
17 service providers or their services, but not
18 including a fee or assessment which is un-
19 duly discriminatory against broadband
20 video service providers or broadband video
21 service subscribers); or

22 (ii) the requirements or charges inci-
23 dental to the awarding or enforcing of the
24 franchise, including payments for bonds,
25 security funds, letters of credit, insurance,



1 indemnification, penalties, or liquidated
2 damages.

3 (10) ILEC.—The term “incumbent local ex-
4 change carrier” has the meaning provided by section
5 251(h) of the 1934 Act (47 U.S.C. 251(h)).

6 (11) LOCAL FRANCHISE AREA.—The term
7 “local franchise area” means the area within the ju-
8 risdiction of a local franchising authority.

9 (12) LOCAL FRANCHISING AUTHORITY.—The
10 term “local franchising authority” means any gov-
11 ernmental entity that is empowered by Federal,
12 State, or local law to grant a franchise within the
13 meaning of section 602(9) of the 1934 Act (47
14 U.S.C. 522), and without regard to the definition of
15 franchise in this section.

16 (13) NECESSARY E-911 INFRASTRUCTURE.—
17 The term “necessary E-911 infrastructure” means
18 the selective routers, selective router databases,
19 automatic location information databases, master
20 street address guides, trunk lines between selective
21 routers and PSAPs, trunk lines between automatic
22 location information databases and PSAPs, and
23 other 911 and E-911 equipment, facilities, data-
24 bases, interfaces, and related capabilities specified
25 by the Commission.



1 (14) PACKET-SWITCHED TRANSMISSION SERV-
2 ICE.—The term “packet-switched transmission
3 service”—

4 (A) means a service that routes or for-
5 wards packets, frames, cells, or other data units
6 based on the identification, address, or other
7 routing information contained in the packets,
8 frames, cells, or other data units; but

9 (B) does not include circuit-switched for-
10 warding of packetized information.

11 (15) PACKETIZED.—The term “packetized”
12 means the segmentation of information into packets,
13 cells, frames, or other data units for transmission
14 over a network.

15 (16) PSAP.—The term “PSAP” means a facil-
16 ity that has been designated to receive emergency
17 calls and route them to emergency service personnel.

18 (17) SUBSCRIBER.—The term “subscriber”
19 means any person who is an end user of, and who
20 consumes, goods or services, whether provided for a
21 fee, in exchange for an explicit benefit, or for free.

22 (18) TCP/IP PROTOCOL.—The term “TCP/IP
23 protocol” refers to the family of Internet networking
24 protocols that enable the exchange of data across
25 interconnected networks.



1 (19) VIDEO PROGRAMMING PACKAGE.—The
2 term “video programming package” means the offer-
3 ing of a package of video programming, as such
4 term is defined in section 602 of the 1934 Act,
5 whether transmitted in a one-way or two-way man-
6 ner.

7 (20) VOICE COMMUNICATIONS.—The term
8 “voice communications” means the two-way, real-
9 time transmission of voice conversation, regardless
10 of the facilities and protocol used to transmit the
11 voice conversation.

12 (21) VOIP SERVICE.—The term “VOIP
13 service”—

14 (A) means a voice communications service
15 provided over BITS that—

16 (i) is offered with or without a fee to
17 the public, or to such classes of users as to
18 be effectively available directly to the pub-
19 lic, regardless of the facilities used;

20 (ii) enables a subscriber to send or re-
21 ceive voice communications in TCP/IP pro-
22 tocol or a successor protocol to or from
23 any subscriber with—

24 (I) a telephone number under the
25 North American Numbering Plan; or



1 (II) such other identification
2 method as is designated by the Com-
3 mission to be a significant alternative
4 or successor to such Plan; and

5 (iii) assigns to the subscriber such a
6 number or other identification method;

7 (B) may include integrated, enhanced fea-
8 tures, functions, and capabilities; and

9 (C) may be included or offered with, but
10 shall not be treated as subsumed in or
11 subsuming, BITS or broadband video service.

12 (22) VOIP SERVICE PROVIDER.—The term
13 “VOIP service provider” means any person who pro-
14 vides or offers to provide a VOIP service, either di-
15 rectly or through an affiliate.

16 (23) 1934 ACT.—The term “1934 Act” means
17 the Communications Act of 1934 (47 U.S.C. 151 et
18 seq.).

19 (24) 911 SERVICE.—

20 (A) 911.—The term “911” means a serv-
21 ice that allows a user, by dialing the three-digit
22 code 911, to call a geographically appropriate
23 PSAP operated by a State, local government,
24 Indian tribe, or authorized entity.



1 (B) E-911.—The term “E-911” means a
2 911 service that automatically delivers the 911
3 call to the geographically appropriate PSAP,
4 and provides automatic identification data, in-
5 cluding the originating number of an emergency
6 call, the physical location of the caller, and the
7 capability for the PSAP to call the user back if
8 the call is disconnected.

9 (b) COMMON TERMINOLOGY.—Except as otherwise
10 provided in subsection (a), terms used in this Act have
11 the meanings provided under section 3 of the 1934 Act
12 (47 U.S.C. 153) and section 602 of the 1934 Act (47
13 U.S.C. 522).

14 **TITLE I—BROADBAND INTERNET**
15 **TRANSMISSION SERVICES**

16 **SEC. 101. JURISDICTION.**

17 (a) IN GENERAL.—Except as expressly provided in
18 this Act, and notwithstanding the 1934 Act (47 U.S.C.
19 151 et seq.) or any other provision of law, neither the
20 Commission nor any State or political subdivision thereof
21 may establish or enforce any law, rule, regulation, or other
22 provision having the force of law that—

23 (1) regulates, or requires the approval by the
24 Commission or such State or subdivision of, the
25 rates, charges, terms, or conditions for, or entry into



1 the provision of, any broadband Internet trans-
2 mission service; or

3 (2) imposes any such regulation or requirement
4 on any BITS provider that is registered under sec-
5 tion 102 of this Act.

6 (b) EXCLUSIVE FEDERAL JURISDICTION.—
7 Broadband Internet transmission services are interstate
8 services and are subject to exclusive Federal jurisdiction,
9 except as otherwise expressly provided in this Act.

10 (c) SPECTRUM AUTHORITY.—Notwithstanding sub-
11 section (a), this Act does not affect the authority of the
12 Commission under title III of the 1934 Act (47 U.S.C.
13 301 et seq.) with respect to the licensing of radio commu-
14 nications, except as expressly provided by this Act.

15 **SEC. 102. REGISTRATION OF BITS PROVIDERS.**

16 (a) REGISTRATION REQUIRED.—Any BITS provider
17 offering BITS in any State shall file a registration state-
18 ment in accordance with section 402 of this Act with the
19 Commission, and file a complete copy of such statement
20 with the State commission of such State.

21 (b) TIME FOR FILING.—A BITS provider shall file
22 the registration statement required by this section within
23 30 days after commencing to offer BITS in such State,
24 or within 30 days after the Commission prescribes the



1 form required by section 402 of this Act, whichever is
2 later.

3 (c) SUBSTANTIVE AMENDMENTS.—A BITS provider
4 shall file any substantive amendments to its registration
5 statement within such time period as the Commission shall
6 prescribe by regulation.

7 (d) ACCESS TO RIGHTS-OF-WAY.—Subject to section
8 406 of this Act, registration as a BITS provider under
9 this section with respect to any State shall be deemed to
10 authorize the construction and operation of BITS over
11 public rights-of-way, and through easements that have
12 been dedicated for compatible uses, in such State.

13 (e) REGULATIONS.—The Commission shall prescribe
14 such regulations as are necessary to implement this sec-
15 tion.

16 **SEC. 103. INTERCONNECTION AND EXCHANGE OF TRAFFIC.**

17 (a) RIGHTS AND DUTIES.—Each BITS provider has
18 the right and duty to interconnect and exchange traffic,
19 directly or indirectly, with other BITS providers, BIT pro-
20 viders, and telecommunications carriers.

21 (b) NEGOTIATION.—The rates, terms, and conditions
22 of such interconnection and exchange of traffic shall be
23 negotiated by the parties, subject to the remedies provided
24 by this Act.



1 **SEC. 104. ACCESS TO BITS.**

2 (a) DUTIES OF PROVIDERS.—Subject to subsection

3 (b), each BITS provider has the duty—

4 (1) not to block, impair, or interfere with the
5 offering of, access to, or the use of any lawful con-
6 tent, application, or service provided over the Inter-
7 net;

8 (2) to permit subscribers to connect and use de-
9 vices of their choosing in connection with BITS, in-
10 cluding computers, home-networking equipment, and
11 televisions; and

12 (3) not to install network features, functions, or
13 capabilities that do not comply with the guidelines
14 and standards established pursuant to section 106 of
15 this Act.

16 (b) PRESERVED AUTHORITIES.—Notwithstanding
17 paragraphs (1) and (2) of subsection (a), a BITS provider
18 is permitted to—

19 (1) offer service plans to subscribers—

20 (A) that involve varied and reasonable
21 bandwidth or network capacity limitations, so
22 long as subscribers are provided clear and accu-
23 rate advance notice of the maximum and min-
24 imum levels of bandwidth or network capacity;
25 or



1 (B) that include value-added consumer
2 protection services (including software for the
3 prevention of unsolicited commercial electronic
4 messages, parental controls, or other similar ca-
5 pabilities), so long as subscribers are provided
6 clear and accurate advance notice of the sub-
7 scriber's ability to refuse or disable any such
8 value-added consumer protection capabilities;

9 (2) take reasonable measures to—

10 (A) protect the security and reliability of
11 its network and broadband Internet trans-
12 mission services; or

13 (B) prevent theft of BITS or other unlaw-
14 ful conduct; or

15 (3) carry or offer a broadband video service or
16 any other service that provides enhanced quality of
17 service to subscribers through the BITS provider's
18 utilization of network and routing management or
19 customized hardware, except that such carrying or
20 offering of such services—

21 (A) may not block, or unreasonably impair
22 or interfere with, the offering of, access to, or
23 the use of any lawful content, application, or
24 service provided over the Internet; and



1 (B) may not unreasonably restrict the
2 right of subscribers under subsection (a)(2) to
3 connect and use devices.

4 **SEC. 105. RIGHTS WITH RESPECT TO TELECOMMUNI-**
5 **CATIONS SERVICES AND SPECIAL ACCESS**
6 **TARIFFS.**

7 (a) ACCESS AND COLOCATION.—A telecommuni-
8 cation carrier's rights under paragraphs (3) and (6) of
9 section 251(c) of the 1934 Act shall not, with respect to
10 a request by that carrier for the purpose of providing a
11 telecommunications service, be affected by such carrier's
12 status as a BITS provider or BIT provider under this Act.

13 (b) SPECIAL ACCESS TARIFFS.—No person's rights
14 to or under any special access tariff shall be affected—

15 (1) by such person's status as a BITS provider
16 or BIT provider under this Act; or

17 (2) by the status of such person's provider of
18 special access as a BITS provider or BIT provider
19 under this Act.

20 **SEC. 106. COORDINATION FOR INTERCONNECTIVITY.**

21 The Commission may participate in the development
22 by appropriate industry standards-setting organizations of
23 BITS network interconnectivity standards that promote
24 interconnection with—

25 (1) BIT and BITS networks; and



1 (2) network capabilities and services by individ-
2 uals with disabilities.

3 **TITLE II—VOIP SERVICES**

4 **SEC. 201. JURISDICTION.**

5 (a) IN GENERAL.—Except as expressly provided in
6 this Act, and notwithstanding the 1934 Act (47 U.S.C.
7 151 et seq.) or any other provision of law, neither the
8 Commission nor any State or political subdivision thereof
9 may establish or enforce any law, rule, regulation, or other
10 provision having the force of law that—

11 (1) regulates, or requires the approval by the
12 Commission or such State or subdivision of, the
13 rates, charges, terms, or conditions for, or entry into
14 the provision of, any VOIP service; or

15 (2) imposes any such regulation or requirement
16 on any VOIP service provider that is registered
17 under section 202 of this Act.

18 (b) EXCLUSIVE INTERSTATE JURISDICTION.—VOIP
19 services are interstate services and are subject to exclusive
20 Federal jurisdiction, except as otherwise expressly pro-
21 vided in this Act.

22 **SEC. 202. REGISTRATION OF VOIP SERVICE PROVIDERS.**

23 (a) REGISTRATION REQUIRED.—Any VOIP service
24 provider offering VOIP service in any State shall file a
25 registration statement in accordance with section 402 of



1 this Act with the Commission, and file a complete copy
2 of such statement with the State commission of such
3 State.

4 (b) TIME FOR FILING.—A VOIP service provider
5 shall file the registration statement required by this sec-
6 tion within 30 days after commencing to offer VOIP serv-
7 ice in such State, or within 30 days after the Commission
8 prescribes the form required by section 402 of this Act,
9 whichever is later.

10 (c) SUBSTANTIVE AMENDMENTS.—A VOIP service
11 provider shall file any substantive amendments to its reg-
12 istration statement within such time period as the Com-
13 mission shall prescribe by regulation.

14 (d) REGULATIONS.—The Commission shall prescribe
15 such regulations as are necessary to implement this sec-
16 tion.

17 **SEC. 203. EXCHANGE OF TRAFFIC.**

18 (a) EXCHANGE OF TRAFFIC REQUIRED.—Each
19 VOIP service provider shall have the right and duty to
20 exchange voice communications traffic, directly or indi-
21 rectly, with other VOIP service providers and tele-
22 communications carriers.

23 (b) NEGOTIATION.—The rates, terms, and conditions
24 of such exchange of traffic shall be negotiated by the par-
25 ties, subject to the remedies provided by this Act.



1 **SEC. 204. EMERGENCY SERVICES.**

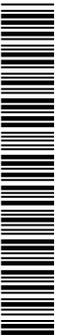
2 (a) 911 AND E-911 SERVICES.—

3 (1) IN GENERAL.—Each VOIP provider has a
4 duty to ensure that—

5 (A) unless the provider is a receive-only
6 provider, 911 services are provided to sub-
7 scribers of VOIP services in accordance with
8 regulations prescribed by the Commission; and

9 (B) if the provider is a send-and-receive
10 provider, 911 and E-911 services are provided
11 to subscribers of VOIP services in accordance
12 with regulations prescribed by the Commission.

13 (2) USE OF EXISTING REGULATIONS.—Until re-
14 vised by the Commission, the Commission's regula-
15 tions that apply to a VOIP services provider and
16 that are in effect on the date of enactment of this
17 Act shall be considered to be the regulations pre-
18 scribed under paragraph (1), and a VOIP service
19 provider that complies with such regulations shall be
20 considered to be in compliance with the requirements
21 of this section.



22 (b) NON-DISCRIMINATORY ACCESS TO CAPABILI-
23 TIES.—Each entity with ownership or control of the nec-
24 essary E-911 infrastructure shall provide any requesting
25 VOIP service provider with nondiscriminatory access to
26 such infrastructure. Such entity shall provide access to the

1 infrastructure at just and reasonable, nondiscriminatory
2 rates, terms, and conditions as determined by the Com-
3 mission. In determining such access terms and conditions,
4 the Commission shall take into consideration appropriate
5 industry standards established by applicable industry
6 standard-setting organizations.

7 (c) STATE AUTHORITY.—Nothing in this Act, the
8 1934 Act, or any Commission regulation or order shall
9 prevent the imposition on or collection from a VOIP serv-
10 ice provider, of any fee or charge specifically designated
11 or presented as dedicated by a State, political subdivision
12 thereof, or Indian tribe on an equitable, and non-discrimi-
13 natory basis for the support of 911 and E-911 services
14 if no portion of the revenue derived from such fee or
15 charge is obligated or expended for any purpose other than
16 support of 911 and E-911 services or enhancements of
17 such services.

18 (d) FEASIBILITY.—In establishing requirements or
19 obligations under subsections (a) and (b), the Commission
20 shall ensure that such standards impose requirements or
21 obligations on providers of VOIP service and entities with
22 ownership or control of necessary E-911 infrastructure
23 that the Commission determines are technologically and
24 operationally feasible. In determining the requirements
25 and obligations that are technologically and operationally



1 feasible, the Commission shall take into consideration
2 available industry technological and operational standards.

3 (e) SUBSCRIBER NOTICE.—A receive-only provider of
4 VOIP services and any other VOIP service provider that
5 is determined by the Commission to not be technologically
6 capable of providing 911 or E-911 service shall provide
7 a clear and conspicuous notice of the unavailability of such
8 service to each subscriber at the time of entering into a
9 service agreement for VOIP service with that subscriber.

10 (f) PROGRESS REPORTS.—To the extent that the
11 Commission concludes that it is not technologically and
12 operationally feasible for VOIP service providers to comply
13 with E-911 requirements or obligations, then the Com-
14 mission shall submit reports to the Committee on Energy
15 and Commerce of the House of Representatives and the
16 Committee on Commerce, Science, and Transportation of
17 the Senate on the progress in attaining and deploying E-
18 911 service. Such reports shall be submitted semiannually
19 until the Commission concludes that it is technologically
20 and operationally feasible for all VOIP service providers
21 to comply with E-911 requirements and obligations. Such
22 reports may include any recommendations the Commission
23 considers appropriate to encourage the migration of emer-
24 gency services to TCP/IP protocol or other advanced serv-
25 ices.



1 (g) ACCESS TO INFORMATION.—The Commission
2 shall have the authority to compile a list of PSAP contact
3 information, testing procedures, and classes and types of
4 services supported by PSAPs, or other information con-
5 cerning the necessary E-911 infrastructure, for the pur-
6 pose of assisting providers in complying with the require-
7 ments of this section.

8 (h) DEFINITIONS.—For purposes of this section:

9 (1) RECEIVE-ONLY PROVIDER.—The term “re-
10 ceive-only provider” means a VOIP provider that en-
11 ables a subscriber to receive voice communications in
12 TCP/IP protocol or a successor protocol from, but
13 not to send to such communications to—

14 (A) a telephone number under the North
15 American Numbering Plan; or

16 (B) such other identification method as is
17 designated by the Commission to be a signifi-
18 cant alternative or successor to such Plan.

19 (2) SEND-AND-RECEIVE PROVIDER.—The term
20 “send-and-recieve provider” means a VOIP provider
21 that directly or indirectly enables a subscriber to
22 both send and receive voice communications in TCP/
23 IP protocol or a successor protocol to and from any
24 subscriber with such a telephone number or other
25 identification method.



1 **SEC. 205. REVISION OF UNIVERSAL SERVICE REQUIRE-**
2 **MENTS.**

3 (a) INQUIRY REQUIRED.—Within one month after
4 the date of enactment of this Act, the Commission shall
5 initiate an inquiry to determine if, as subscribers migrate
6 from telecommunications services to VOIP services, the
7 contribution base used to support universal service should
8 be expanded to include VOIP service providers to ensure
9 that contributions to the universal service support mecha-
10 nisms are being made in an equitable and nondiscrim-
11 inatory manner. The Commission shall complete such in-
12 quiry within 180 days after such date of enactment.

13 (b) COMMISSION RULEMAKING.—If at the conclusion
14 of such inquiry the Commission determines that the con-
15 tribution base must be expanded to ensure that contribu-
16 tions to the universal service support mechanisms are eq-
17 uitable and nondiscriminatory, the Commission shall con-
18 duct a proceeding, in consultation with the Federal-State
19 Joint Board on Universal Service, to revise the universal
20 service support mechanisms to impose contribution re-
21 quirements on VOIP service providers that are equitable
22 and nondiscriminatory, and that are specific, predictable,
23 and sufficient to achieve the purposes of universal service.

24 (c) DEADLINE.—If the Commission initiates a rule-
25 making under subsection (b), the Commission shall imple-
26 ment changes to its universal service support mechanism



1 regulations within 180 days after the conclusion of the in-
2 quiry required by subsection (a).

3 **SEC. 206. NUMBER PORTABILITY AND ACCESS TO NUM-**
4 **BERS.**

5 (a) NUMBER PORTABILITY.—Each VOIP service pro-
6 vider has the duty to provide, to the extent technically fea-
7 sible, number portability in accordance with regulations
8 prescribed by the Commission. The Commission shall by
9 regulation accord to each VOIP service provider the same
10 rights regarding number portability as those accorded to
11 telecommunications carriers under section 251.

12 (b) ACCESS TO NUMBERS.—The Commission shall
13 make available, on an equitable basis, telephone numbers
14 under the North American Numbering Plan to each VOIP
15 service provider that complies with the regulations pre-
16 scribed by the Commission regarding numbering resource
17 optimization and portability with which telecommuni-
18 cations carriers must comply.

19 **SEC. 207. PROVISION OF RELAY SERVICE.**

20 (a) AVAILABILITY OF RELAY SERVICES.—The Com-
21 mission shall ensure that relay services are available to
22 VOIP service subscribers who have a hearing or speech
23 disability, to the extent possible and in the most efficient
24 manner.



1 (b) PROVISION OF SERVICES.—A VOIP service pro-
2 vider shall, not later than 18 months after the date of
3 enactment of this Act, provide relay services throughout
4 the area in which it offers VOIP service, either individ-
5 ually, through a competitively selected vendor, or in con-
6 cert with other service providers, in accordance with regu-
7 lations prescribed by the Commission under this section.
8 Each provider of relay services has the duty not to restrict
9 users of text, voice, video, or other relay services to a sin-
10 gle relay provider, either contractually or technically.

11 (c) RULEMAKING.—Within 6 months after the date
12 of enactment of this Act, the Commission shall prescribe
13 regulations to implement this section. With respect to
14 relay services relied upon by VOIP service providers to
15 meet the requirements of this section, such regulations
16 shall—

17 (1) establish functional requirements, guide-
18 lines, and operating procedures for such relay serv-
19 ices;

20 (2) establish minimum standards for such relay
21 services;

22 (3) require that such relay services operate
23 every day, for 24 hours per day;

24 (4) ensure that users of such relay services pay
25 no more than functionally equivalent services;



1 (5) prohibit operators of such relay services
2 from refusing, limiting, or unreasonably restraining
3 calls;

4 (6) prohibit operators of such relay services
5 from disclosing the content of any relayed conversa-
6 tion;

7 (7) prohibit operators of such relay services
8 from intentionally altering a relayed conversation;
9 and

10 (8) develop enforcement and expedited com-
11 plaint procedures.

12 (d) TECHNOLOGY.—The Commission shall ensure
13 that regulations prescribed to implement this section en-
14 courage the use of new technology and do not discourage
15 or impair the development of improved technology.

16 (e) SAVINGS CLAUSE.—Nothing in this Act shall af-
17 fect the authority of a State to continue a State-operated
18 relay program that is certified under section 225(f) of the
19 1934 Act, regardless of the method of relay transmission.

20 (f) DEFINITION.—For purposes of this section, the
21 term “relay service” means a transmission service that
22 provides the ability for an individual who has a hearing
23 or speech disability to engage in text, voice, or video com-
24 munication by wire or radio with other individuals in a
25 manner that is functionally equivalent to the ability of an



1 individual who does not have a hearing or speech disability
2 to communicate using voice communication services by
3 wire or radio.

4 **TITLE III—VIDEO SERVICES**

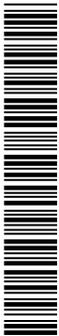
5 **SEC. 301. JURISDICTION.**

6 (a) IN GENERAL.—Except as expressly provided in
7 this Act, and notwithstanding the Communications Act of
8 1934 (47 U.S.C. 151 et seq.) or any other provision of
9 law, neither the Commission nor any State or political sub-
10 division thereof may establish or enforce any law, rule,
11 regulation, or other provision having the force of law
12 that—

13 (1) regulates, or requires the approval by the
14 Commission or such State or subdivision of, the
15 rates, charges, terms, or conditions for, or entry into
16 the provision of, any broadband video service; or

17 (2) imposes any such regulation or requirement
18 on any broadband video service provider that is reg-
19 istered under section 302 of this Act.

20 (b) EXCLUSIVE FEDERAL JURISDICTION.—
21 Broadband video services are interstate services and are
22 subject to exclusive Federal jurisdiction, except as other-
23 wise expressly provided in this Act.



1 **SEC. 302. REGISTRATION OF BROADBAND VIDEO SERVICE**
2 **PROVIDERS.**

3 (a) FEDERAL AND STATE REGISTRATION.—

4 (1) REGISTRATION REQUIRED.—Before pro-
5 viding broadband video service in any local franchise
6 area or other area in any State, a broadband video
7 service provider shall—

8 (A) file a registration statement in accord-
9 ance with section 402 of this Act, if not pre-
10 viously registered with the Commission; or

11 (B) file an amendment to such registration
12 statement containing the information required
13 with respect to the broadband video service by
14 such provider in such local franchise area or
15 other area, if previously registered with the
16 Commission.

17 (2) NOTICE TO LOCAL FRANCHISE AUTHOR-
18 ITY.—At the time of filing any registration state-
19 ment or amendment that proposes the commence-
20 ment of, or changes in the information relating to,
21 service in any local franchise area within a State,
22 the broadband video service provider filing such
23 statement or amendment shall transmit notice of
24 such filing to the local franchise authority for such
25 area.



1 (b) REGULATIONS.—The Commission shall prescribe
2 such regulations as are necessary to implement this sec-
3 tion.

4 **SEC. 303. BROADBAND VIDEO SERVICE FRANCHISING.**

5 (a) COMMENCEMENT OF FRANCHISE.—A broadband
6 video service provider's franchise with respect to a local
7 franchise area or other area in a State shall be deemed
8 to commence once—

9 (1) the registration statement or amendment
10 pertaining to the commencement of broadband video
11 service in a local franchise area or other area in a
12 State are effective under section 402 of this Act
13 with respect to such local franchise area or such
14 other area;

15 (2) the broadband video service provider has
16 transmitted the notice required by section 302(a)(2)
17 of this Act; and

18 (3) the broadband video service provider has
19 designated an agent with respect to such local fran-
20 chise area or such other area.

21 (b) DURATION AND RENEWAL OF FRANCHISE.—The
22 Commission shall by regulation—

23 (1) set a uniform term of duration for
24 broadband video service provider franchises under
25 this section; and



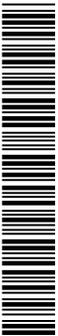
1 (2) provide that such a franchise shall be re-
2 newed automatically upon the expiration of such
3 term unless the Commission revokes the broadband
4 video service provider's registration under section
5 413 of this Act.

6 (c) TRANSITION.—If a broadband video service pro-
7 vider was providing a broadband video service in a local
8 franchise area or other area prior to the date of enactment
9 of this Act, the Commission shall provide a reasonable
10 time period for such provider to make the filings required
11 by section 302 of this Act, and the franchise with respect
12 to such local franchise area or such other area shall be
13 deemed to be in effect during such time period.

14 (d) FRANCHISE FEE.—

15 (1) ASSESSMENT BY LOCAL FRANCHISING AU-
16 THORITY PERMITTED.—A local franchising authority
17 may collect a franchise fee from a broadband video
18 service provider for the provision of broadband video
19 service within the local franchise area of such au-
20 thority.

21 (2) AMOUNT.—For any 12-month period, such
22 franchise fee shall not exceed 5 percent of such
23 broadband video service provider's gross revenues
24 derived in such period from the provision of
25 broadband video service to subscribers in such local



1 franchise area. Nothing in this subsection shall pro-
2 hibit a local franchising authority from requiring
3 that the franchise fee which lawfully could be col-
4 lected for any such 12-month period shall be paid on
5 a prepaid or deferred basis, except that the sum of
6 payments made during the term of the franchise
7 may not exceed the amount, including the time value
8 of money, which would have lawfully been collected
9 if such fee had been paid per year.

10 (3) DEFINITION OF GROSS REVENUES.—For
11 purposes of this subsection, the term “gross reve-
12 nues” means all consideration of any kind or nature,
13 including (without limitation) cash, credits, property,
14 and in-kind contributions (services or goods) col-
15 lected from the subscriber and attributable to the
16 video programming package provided by the
17 broadband video service provider as part of the
18 broadband video service in such local franchising
19 area, but does not include—

20 (A) any revenue not actually received, even
21 if billed, such as bad debt; or

22 (B) refunds, rebates, or discounts to sub-
23 scribers, public institutions, or governmental
24 entities.



1 (e) ACCESS TO RIGHTS-OF-WAYS AND EASE-
2 MENTS.—Subject to section 406 of this Act, any franchise
3 under this section shall be deemed to authorize the con-
4 struction and operation, over public rights-of-way and
5 through easements that have been dedicated for compat-
6 ible uses, of a broadband video service within the area to
7 be served by the broadband video service provider.

8 (f) REGULATIONS.—The Commission shall prescribe
9 such regulations as are necessary to implement this sec-
10 tion.

11 **SEC. 304. APPLICATION OF VIDEO REGULATIONS TO**
12 **BROADBAND VIDEO SERVICE PROVIDERS.**

13 (a) COMPARABLE REQUIREMENTS AND OBLIGA-
14 TIONS.—

15 (1) PROMULGATION OF REGULATIONS.—Within
16 one year after the date of enactment of this Act, the
17 Commission shall complete all actions necessary (in-
18 cluding any reconsideration) to adopt for broadband
19 video service providers comparable regulations as
20 apply to multichannel video programming distribu-
21 tors under the following provisions:

22 (A) PROGRAM RATINGS.—Section
23 303(w)(2) (47 U.S.C. 303(w)(2)).

24 (B) FACILITIES FOR CANDIDATES FOR
25 PUBLIC OFFICE.—Section 315 (47 U.S.C. 315).



1 (C) ANNOUNCEMENTS WITH RESPECT TO
2 CERTAIN MATTER BROADCAST AND DISCLOSURE
3 OF CERTAIN PAYMENTS.—Sections 317 (47
4 U.S.C. 317) and 507 (47 U.S.C. 507).

5 (D) RETRANSMISSION.—Section 325 (47
6 U.S.C. 325), and the following provisions of
7 Commission regulations: 47 CFR 76.54 (signifi-
8 cantly viewed signals) and 47 CFR 76.92–
9 76.111 (network non-duplication, syndicated ex-
10 clusivity, and sports blackout).

11 (E) OWNERSHIP.—Subsections (e), (f),
12 and (h) of section 613 (47 U.S.C. 533(e), (f),
13 (h)).

14 (F) CARRIAGE OF LOCAL COMMERCIAL
15 AND NONCOMMERCIAL EDUCATIONAL TELE-
16 VISION SIGNALS.—Sections 614 and 615 (47
17 U.S.C. 534, 535).

18 (G) BASIC TIER.—Paragraphs (7) and (8)
19 of section 623(b) (47 U.S.C. 543(b)(7), (8)),
20 except that rates for the basic tier shall not be
21 regulated.

22 (H) BLOCKING AND SCRAMBLING OF
23 CHANNELS.—Sections 624(d)(2) (47 U.S.C.
24 544(d)(2)) and 640 (47 U.S.C. 560).



1 (I) EMERGENCY ALERTS.—Section 624(g)
2 (47 U.S.C. 544(g)).

3 (J) CONSUMER ELECTRONICS EQUIPMENT
4 COMPATIBILITY AND COMPETITIVE AVAIL-
5 ABILITY OF NAVIGATION DEVICES.—Sections
6 624A (47 U.S.C. 544a) and 629 (47 U.S.C.
7 549).

8 (K) DEVELOPMENT OF COMPETITION AND
9 DIVERSITY IN VIDEO PROGRAMMING DISTRIBU-
10 TION.—Section 628 (47 U.S.C. 548).

11 (L) EQUAL EMPLOYMENT OPPORTUNITY.—
12 Section 634 (47 U.S.C. 554).

13 (M) CLOSED CAPTIONING.—Sections 711
14 (47 U.S.C. 611) and 713 (47 U.S.C. 613).

15 (2) QUADRENNIAL REVIEW.—Every 4 years
16 after date of enactment of this Act, the Commission
17 shall eliminate any regulations created under para-
18 graph (1) to the extent that the Commission deter-
19 mines that such regulations are no longer necessary
20 as the result of meaningful economic competition.

21 (b) PUBLIC, EDUCATIONAL, OR GOVERNMENTAL
22 USE.—

23 (1) REQUIREMENTS.—

24 (A) COMPARABILITY.—A local franchising
25 authority may designate broadband video serv-



1 ice provider capacity for public, educational, or
2 governmental use in the local franchising area,
3 so long as such use is comparable to the obliga-
4 tions the local franchising authority applies—

5 (i) to any cable operator in such local
6 franchising area under section 611 of the
7 1934 Act (47 U.S.C. 531); and

8 (ii) to any other broadband video serv-
9 ice provider in such area.

10 (B) LACK OF OTHER PROVIDERS.—The
11 Commission shall provide by regulation for the
12 designation of capacity in a local franchising
13 area in which neither a cable operator nor an-
14 other broadband video service provider are sub-
15 ject to obligations concerning public, edu-
16 cational, or governmental use.

17 (C) PRODUCTION AND TRANSMISSION OF
18 PROGRAMMING.—

19 (i) The production of any program-
20 ming provided under this subsection shall
21 be the responsibility of the local fran-
22 chising authority or its designee.

23 (ii) The broadband video service pro-
24 vider shall be responsible for the trans-
25 mission of any programming provided



1 under this subsection between the primary
2 signal origination point of the program-
3 ming and the broadband video service pro-
4 vider's subscribers.

5 (iii) A broadband video service pro-
6 vider shall be entitled to access to pro-
7 gramming carried by a cable operator or
8 another broadband video service provider
9 to the extent that the broadband video
10 service provider is carrying such program-
11 ming under this subsection.

12 (2) INSTITUTIONAL NETWORKS.—A local fran-
13 chising authority may, under this subsection, des-
14 ignate or use broadband video service provider ca-
15 pacity for public, educational, or governmental use
16 on any broadband video service provider institutional
17 networks in the local franchising area, except that
18 the Commission shall not require, or allow States,
19 State commissions, or local franchising authorities to
20 require, the construction by broadband video service
21 providers of institutional networks. With respect to
22 a broadband video service provider that was a cable
23 operator, and that, as a condition of the cable fran-
24 chise, agreed to provide an institutional network, a
25 local franchising authority may require such pro-



1 vider to continue to provide support for the provision
2 of public, educational, or governmental use.

3 (3) NO EDITORIAL CONTROL.—Neither the
4 Commission nor the broadband video service pro-
5 vider shall exercise any editorial control over any
6 public, educational, or governmental use provided
7 pursuant to this subsection.

8 (4) DEFINITION.—For purposes of this sub-
9 section, the term “institutional network” means a
10 communication network that is constructed or oper-
11 ated by a cable operator or broadband video service
12 provider and that is generally available only to sub-
13 scribers who are not residential subscribers.

14 (c) REDLINING.—The Commission shall ensure that
15 a broadband video service provider does not deny access
16 to its broadband video service to any group of potential
17 residential broadband video service subscribers because of
18 the income of that group. If the Commission determines
19 that a broadband video service provider has denied access
20 to its broadband video service to a group of potential resi-
21 dential broadband video service subscribers because of the
22 income of that group, the Commission shall ensure that
23 the broadband video service provider extends access to
24 that group.



1 (d) NAVIGATIONAL DEVICE NEUTRALITY.—The
2 Commission shall by regulation prohibit a broadband video
3 service provider from omitting television broadcast sta-
4 tions, public, educational, or governmental programs, or
5 other unaffiliated video programming services carried on
6 such system from any navigational device or guide.

7 **SEC. 305. IMPLEMENTATION.**

8 Within 90 days after the date of enactment of this
9 Act, the Commission shall complete all actions necessary
10 (including any reconsideration) to implement sections 302
11 and 303 of this Act.

12 **TITLE IV—GENERAL**
13 **PROVISIONS**

14 **SEC. 401. REGULATIONS.**

15 (a) REGULATIONS AS NECESSARY TO IMPLEMENT.—
16 The Commission shall have authority under this Act to
17 prescribe only such regulations as are expressly required
18 or expressly authorized by this Act.

19 (b) DEADLINE.—Except as otherwise expressly pro-
20 vided in this Act, the Commission shall take all actions
21 necessary (including any reconsideration) to prescribe the
22 regulations expressly required by this Act within 180 days
23 after the date of enactment of this Act.



1 **SEC. 402. REGISTRATION STATEMENTS.**

2 (a) FEDERAL FORM.—A registration statement
3 under section 102, 202, or 302 shall be in such form as
4 the Commission shall require by regulation and shall ex-
5 clusively contain—

6 (1) a business information statement;

7 (2) a description of the business to be con-
8 ducted by the provider, including the State, local
9 franchise areas, or other areas to be served; and

10 (3) information required under a Federal law
11 other than this Act.

12 (b) EFFECTIVENESS OF REGISTRATION.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), a registration statement or amendment
15 thereto is effective upon filing.

16 (2) FAILURE TO SUPPLY INFORMATION.—The
17 Commission may disapprove a registration statement
18 that fails to comply with subsection (a).

19 (c) PUBLIC AVAILABILITY OF REGISTRATION STATE-
20 MENTS.—The Commission shall provide for the contin-
21 uous public availability on the Commission's Internet
22 website or other electronic facility of all registration state-
23 ments, and amendments thereto, filed under this Act.

24 (d) REGULATIONS.—The Commission shall prescribe
25 such regulations as are necessary to implement this sec-
26 tion. Such regulations shall specify requirements for the



1 timely correction of registration statements (as amended)
2 to reflect changes in information contained therein.

3 **SEC. 403. NATIONAL CONSUMER PROTECTION STANDARDS.**

4 (a) NATIONAL STANDARDS REQUIRED.—The Com-
5 mission shall by regulation establish national consumer
6 protection standards with respect to BITS, VOIP services,
7 and broadband video services, individually or collectively.
8 Such standards shall—

9 (1) require clear, conspicuous, and timely dis-
10 closure of rates, terms, and conditions of service
11 plans (and changes therein);

12 (2) prohibit charges for any service or equip-
13 ment that the subscriber has not affirmatively re-
14 quested;

15 (3) require service providers to establish sub-
16 scriber dispute resolution mechanisms, including a
17 requirement that the service provider provide a cost-
18 free domestic telephone mechanism for a subscriber
19 to initiate an inquiry or dispute; and

20 (4) protect consumers from unfair and decep-
21 tive practices.

22 (b) ADDITIONAL CONSUMER PROTECTION LAWS.—

23 (1) TELEPHONE HARASSMENT.—The prohibi-
24 tions contained in section 223(a) of the 1934 Act
25 (47 U.S.C. 223(a)) shall also apply to the use of any



1 equipment used for the provision of BITS, VOIP
2 services, and broadband video services, except that
3 the penalties provided by such section shall not
4 apply under this section.

5 (2) RESTRICTIONS ON USE OF TELEPHONE
6 EQUIPMENT.—The provisions of section 227 of the
7 1934 Act (47 U.S.C. 227) that apply to a telephone
8 call, a telephone solicitation, an automatic dialing
9 system, or an unsolicited advertisement or facsimile
10 advertisement shall apply to VOIP service and BITS
11 under this Act, and persons retain the same rights
12 and remedies for violations as permissible pursuant
13 to section 227 of the 1934 Act.

14 (3) PAY-PER-CALL SERVICES.—The provisions
15 of section 228 of the 1934 Act (47 U.S.C. 228)
16 that—

17 (A) relate to pay-per-call services shall
18 apply to such services offered over BITS, VOIP
19 service, or broadband video service; and

20 (B) impose requirements on common car-
21 riers shall apply to BITS providers and VOIP
22 providers.

23 (4) CAN-SPAM.—The provisions of the regula-
24 tions under section 14 of the CAN-SPAM Act of
25 2003 (15 U.S.C. 7712) pertaining to unwanted mo-



1 bile service messages shall apply to BITS providers
2 and VOIP service providers.

3 (5) AUTHORITY FOR THE COMMISSION TO PRE-
4 SCRIBE COMPARABLE REGULATIONS.—The Commis-
5 sion shall prescribe regulations to apply the provi-
6 sions referenced in paragraphs (1) through (4) to
7 providers of BITS, VOIP services, and broadband
8 video services in a manner comparable to their appli-
9 cation to common carriers.

10 (c) STATE ENFORCEMENT OF NATIONAL CONSUMER
11 PROTECTION STANDARDS.—

12 (1) COMPLAINTS.—Any person may file a com-
13 plaint with respect to a violation in a State of the
14 regulations prescribed under subsection (a)—

15 (A) with the State commission of such
16 State under this subsection; or

17 (B) with the Commission under section
18 411 of this Act.

19 (2) STATE ORDERS REQUIRING COMPLIANCE.—
20 In a proceeding on such a complaint, a State com-
21 mission may issue an order requiring compliance
22 with any of such regulations prescribed by the Com-
23 mission under subsection (a), but a State commis-
24 sion may not create any new standard, or expand
25 upon or modify the Commission's standards.



1 (3) ACCESS TO RECORDS.—The State commis-
2 sion shall have authority to require the filing of any
3 contract, agreement, or arrangement between the
4 subscriber and the provider, or any other data, docu-
5 ments, or records, directly related to the alleged vio-
6 lation.

7 (4) COMMISSION REMEDIES; APPEALS.—Unless
8 appealed to the Commission, such an order of a
9 State commission shall be enforced by the Commis-
10 sion under section 414 of this Act. Any such appeal
11 shall be resolved by the Commission within 30 days
12 after receipt of the appeal by the Commission. Pend-
13 ing the conclusion of such an appeal, the person to
14 whom the State commission order was issued shall
15 comply with such order.

16 (5) COST OF STATE ORDERS.—A State commis-
17 sion may charge a provider of service under this Act
18 a nominal fee to cover the costs of issuing such or-
19 ders.

20 **SEC. 404. PROTECTION OF CONSUMER PRIVACY.**

21 (a) CONSUMER NOTICE.—At the time of entering
22 into an agreement to provide any service to a subscriber,
23 and at least once a year thereafter, a service provider
24 under this Act shall provide notice in the form of a sepa-



1 rate, written statement to such subscriber which clearly
2 and conspicuously informs the subscriber of—

3 (1) the nature of personally identifiable infor-
4 mation collected or to be collected with respect to
5 the subscriber and the nature of the use of such in-
6 formation;

7 (2) the nature, frequency, and purpose of any
8 disclosure which may be made of such information,
9 including an identification of the types of persons to
10 whom the disclosure may be made;

11 (3) the period during which such information
12 will be maintained by such service provider;

13 (4) the times and place, or mechanism, by
14 which the subscriber may have access to such infor-
15 mation in accordance with subsection (d); and

16 (5) the limitations provided by this section with
17 respect to the collection and disclosure of informa-
18 tion by service provider under this Act and the right
19 of the subscriber under subsection (e) to enforce
20 such limitations.

21 (b) RESTRICTIONS ON COLLECTION OF INFORMA-
22 TION.—

23 (1) CONSENT REQUIRED.—

24 (A) EXPRESS WRITTEN CONSENT RE-
25 QUIRED.—Except as provided in paragraph (2),



1 without the prior, express written or electronic
2 consent of the subscriber concerned—

3 (i) a VOIP service provider shall not
4 collect personally identifiable information
5 concerning any subscriber; and

6 (ii) a BIT provider, BITS provider, or
7 broadband video service provider shall not
8 use any facilities used to provide any serv-
9 ice under this Act to collect personally
10 identifiable information concerning any
11 subscriber.

12 (B) SEPARATE AND DISTINCT FORM.—
13 Such consent shall be in the form of an author-
14 ization separate and distinct from any author-
15 ization or agreement to receive any service from
16 the service provider under this Act.

17 (2) EXCEPTIONS.—A service provider under
18 this Act may collect personally identifiable informa-
19 tion in order to—

20 (A) obtain information necessary to ini-
21 tiate, render, bill, or collect for any service pro-
22 vided by the service provider under this Act; or

23 (B) detect unauthorized use of such pro-
24 vider's services.

25 (c) DISCLOSURE RESTRICTIONS.—



1 (1) CONSENT REQUIRED.—

2 (A) OBLIGATION.—Except as provided in
3 paragraph (2), a service provider under this
4 Act—

5 (i) shall not disclose personally identi-
6 fiable information concerning any sub-
7 scriber without the prior, express written
8 or electronic consent of the subscriber con-
9 cerned; and

10 (ii) shall take such actions as are nec-
11 essary to prevent unauthorized access to
12 such information by a person other than
13 the subscriber or such provider.

14 (B) SEPARATE AND DISTINCT FORM.—
15 Such consent shall be in the form of an author-
16 ization separate and distinct from any author-
17 ization or agreement to receive any service from
18 such provider.

19 (2) EXCEPTIONS.—A service provider under
20 this Act may disclose such information if the disclo-
21 sure is—

22 (A) necessary—

23 (i) to initiate, render, bill, or collect
24 for any service provided by such provider;
25 or



1 (ii) to share with an affiliate per-
2 forming such functions on behalf of the
3 service provider, provided that the affiliate
4 does disclose the such information in viola-
5 tion of paragraph (1);

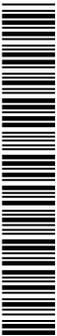
6 (B) subject to subsection (f), made pursu-
7 ant to a court order authorizing such disclo-
8 sure, if the subscriber is notified of such order
9 by the person to whom the order is directed; or

10 (C) a disclosure of the names and address-
11 es of the subscriber to any service provided by
12 the service provider under this Act, if—

13 (i) in the case of a portable VOIP
14 provider, such provider has received the
15 authorization described in paragraph (1);

16 (ii) in the case of any provider of any
17 other service under this Act, such provider
18 has extended an opportunity to the sub-
19 scriber to object to such disclosure at any
20 time, and the subscriber has not objected;
21 and

22 (iii) the disclosure does not reveal, di-
23 rectly or indirectly—



1 (I) the nature or extent of any
2 use by the subscriber of the service or
3 services provided by such provider; or

4 (II) the nature of any transaction
5 made by the subscriber using and
6 service provided by such provider.

7 (d) ACCESS BY SUBSCRIBER TO INFORMATION.—A
8 subscriber shall be provided access to all personally identi-
9 fiable information regarding such subscriber which is col-
10 lected and maintained by the service provider under this
11 Act. Such information shall be made available to the sub-
12 scriber at reasonable times and at a convenient place des-
13 ignated by such provider, or through a secure mechanism
14 by which the subscriber may access such information elec-
15 tronically. A subscriber shall be provided a reasonable op-
16 portunity to correct any errors in such information.

17 (e) RIGHTS AND REMEDIES.—The provisions of sub-
18 sections (f) and (h) of section 631 of the 1934 Act that
19 apply to a cable operator shall apply to a provider of serv-
20 ices under this Act.

21 (f) DESTRUCTION OF INFORMATION.—A service pro-
22 vider under this Act shall destroy all personally identifi-
23 able information collected if the information is no longer
24 necessary for the purpose for which it was collected and
25 there are no pending requests or orders for access to such



1 information under subsection (d) or pursuant to court
2 order.

3 (g) PROTECTION OF CUSTOMER PROPRIETARY NET-
4 WORK INFORMATION.—

5 (1) DUTY TO PROTECT INFORMATION.—Every
6 service provider under this Act has a duty to protect
7 the confidentiality of proprietary information of, and
8 relating to, other service providers under this Act,
9 telecommunications carriers, equipment manufactur-
10 ers, and customers, including telecommunications
11 carriers reselling telecommunications services pro-
12 vided by a telecommunications carrier.

13 (2) CONFIDENTIALITY OF PROVIDER INFORMA-
14 TION.—A service provider under this Act that re-
15 ceives or obtains proprietary information from an-
16 other service provider under this Act, or tele-
17 communications carrier for purposes of providing
18 any service shall use such information only for such
19 purpose, and shall not use such information for its
20 own marketing efforts.

21 (3) CONFIDENTIALITY OF CUSTOMER PROPRI-
22 ETARY NETWORK INFORMATION.—

23 (A) PRIVACY REQUIREMENTS.—Except as
24 required by law or with the prior, express au-
25 thorization of the customer, a service provider



1 under this Act that receives or obtains customer
2 proprietary network information by virtue of its
3 provision of any service shall only use, disclose,
4 or permit access to individually identifiable cus-
5 tomer proprietary network information in its
6 provision of—

7 (i) the service from which such infor-
8 mation is derived; or

9 (ii) services necessary to, or used in,
10 the provision of such service, including the
11 publishing of directories.

12 (B) DISCLOSURE.—A service provider
13 under this Act shall disclose customer propri-
14 etary network information, upon express writ-
15 ten or electronic request by the customer to any
16 person designated by the customer.

17 (C) AGGREGATE CUSTOMER INFORMA-
18 TION.—A service provider under this Act that
19 receives or obtains customer proprietary net-
20 work information by virtue of its provision of
21 any service may use, disclose, or permit access
22 to aggregate customer information other than
23 for the purposes described in subparagraph (A)
24 only if it provides such aggregate data to other
25 service providers under this Act, and tele-



1 communications carriers or persons upon rea-
2 sonable and nondiscriminatory terms and condi-
3 tions upon reasonable request therefor.

4 (4) GENERAL EXCEPTIONS.—Nothing in this
5 section prohibits a service provider under this Act
6 from using, disclosing, or permitting access to cus-
7 tomer proprietary network information obtained
8 from its customers, either directly or indirectly
9 through its agents—

10 (A) to initiate, render, bill, and collect for
11 any service;

12 (B) to protect the rights or property of the
13 service provider under this Act, or to protect
14 users of services provided by such provider or
15 other service providers under this Act, or tele-
16 communications carriers from fraudulent, abu-
17 sive, or unlawful use of, or subscription to any
18 service;

19 (C) to provide any inbound telemarketing,
20 referral, or administrative services to the cus-
21 tomer for the duration of the call, if such call
22 was initiated by the customer and the customer
23 approves of the use of such information to pro-
24 vide such service; and



1 (D) to provide location information con-
2 cerning the user of any service under this Act—

3 (i) to a PSAP, emergency medical
4 service provider, or emergency dispatch
5 provider, public safety, fire service, or law
6 enforcement official, or hospital emergency
7 or trauma care facility, in order to respond
8 to the user's call for emergency services;

9 (ii) to inform the user's legal guardian
10 or members of the user's immediate family
11 of the user's location in an emergency situ-
12 ation that involves the risk of death or se-
13 rious physical harm; or

14 (iii) to providers of information or
15 database management services solely for
16 purposes of assisting in the delivery of
17 emergency services in response to an emer-
18 gency.

19 (5) SUBSCRIBER LIST INFORMATION.—Notwith-
20 standing paragraphs (1) through (5), a service pro-
21 vider under this Act that provides VOIP services
22 and publishes, either directly or indirectly, sub-
23 scriber list information in any format, shall provide
24 subscriber list information gathered in its capacity
25 as a provider of VOIP service on a timely and



1 unbundled basis, under nondiscriminatory and rea-
2 sonable rates, terms, and conditions, to any person
3 upon request for the purpose of publishing direc-
4 tories in any format. The Commission shall, by regu-
5 lation, ensure that subscribers are not charged for
6 keeping their subscriber list information out of any
7 directory in any format.

8 (6) AUTHORITY TO USE LOCATION INFORMA-
9 TION.—For purposes of paragraph (3)(A), without
10 the express prior authorization of the customer, a
11 customer shall not be considered to have approved
12 the use or disclosure of or access to location infor-
13 mation concerning the user of any service under this
14 Act, other than in accordance with paragraph
15 (4)(D).

16 (7) SUBSCRIBER LISTED AND UNLISTED INFOR-
17 MATION FOR EMERGENCY SERVICES.—Notwith-
18 standing paragraphs (1) through (5), a service pro-
19 vider under this Act that provides VOIP service
20 shall provide information described in subsection
21 (i)(9)(A) (including information pertaining to sub-
22 scribers whose information is unlisted or unpub-
23 lished) that is in its possession or control (including
24 information pertaining to subscribers of other service
25 provider under this Act or telecommunications car-



1 riers) on a timely and unbundled basis, under non-
2 discriminatory and reasonable rates, terms, and con-
3 ditions to providers of emergency services, and pro-
4 viders of emergency support services, solely for pur-
5 poses of delivering or assisting in the delivery of
6 emergency services.

7 (h) REGULATIONS.—The Commission shall prescribe
8 such regulations as are necessary to implement this sec-
9 tion.

10 (i) DEFINITIONS.—For the purposes of this section:

11 (1) AGGREGATE INFORMATION.—The term “ag-
12 gregate customer information” means collective data
13 that relates to a group or category of services or
14 customers, from which individual customer identities
15 and characteristics have been removed.

16 (2) BITS PROVIDER.—The term “BITS pro-
17 vider” has the same meaning as defined in section
18 2, but also includes any person who—

19 (A) is owned or controlled by, or under
20 common ownership or control with, a BITS pro-
21 vider; and

22 (B) provides BIT, BITS, VOIP service, or
23 broadband video service.



1 (3) CUSTOMER PROPRIETARY NETWORK INFOR-
2 MATION.—The term “customer proprietary network
3 information” means—

4 (A) information that relates to the quan-
5 tity, technical configuration, type, destination,
6 location, and amount of use of BIT, BITS,
7 VOIP service, or broadband video service sub-
8 scribed to by any customer of a service provider
9 under this Act, or a telecommunications carrier,
10 and that is made available to the such provider
11 or carrier by the customer solely by virtue of
12 the provider-customer relationship; and

13 (B) information contained in the bills per-
14 taining to BIT, BITS, VOIP service, or
15 broadband video services received by a customer
16 of a service provider under this Act, except that
17 such term does not include subscriber list infor-
18 mation.

19 (4) EMERGENCY NOTIFICATION SERVICES.—the
20 term “emergency notification services” means serv-
21 ices that notify the public of an emergency.

22 (5) EMERGENCY SERVICES.—The term “emer-
23 gency services” means 9–1–1 emergency services
24 and emergency notification services.



1 (6) EMERGENCY SUPPORT SERVICES.—The
2 term “emergency support services” means informa-
3 tion or database management services used in sup-
4 port of emergency services.

5 (7) PERSONALLY IDENTIFIABLE INFORMA-
6 TION.—The term “personally identifiable
7 information”—

8 (A) means information that allows a living
9 person to be identified individually, including
10 the following: the first and last name of an indi-
11 vidual, a home or physical address of an indi-
12 vidual, date or place of birth, an email address,
13 a telephone number, a Social Security number,
14 a tax identification number, birth certificate
15 number, passport number, driver’s license num-
16 ber, credit card number, bank card number, or
17 any government-issued identification number;
18 and

19 (B) does not include any record of aggre-
20 gate data that does not permit the identifica-
21 tion of particular persons.

22 (8) SERVICE PROVIDER UNDER THIS ACT.—The
23 term “service provider under this Act” means a BIT
24 provider, a BITS provider, a VOIP service provider,
25 and a broadband video service provider.



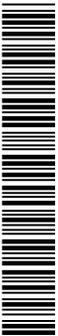
1 (9) SUBSCRIBER LIST INFORMATION.—The
2 term “subscriber list information” means any
3 information—

4 (A) identifying the listed names of sub-
5 scribers of a VOIP service provider and such
6 subscribers’ telephone numbers, addresses, or
7 primary advertising classifications (as such
8 classifications are assigned at the time of the
9 establishment of such service), or any combina-
10 tion of such listed names, numbers, addresses,
11 or classifications; and

12 (B) that the VOIP service provider or an
13 affiliate has published, caused to be published
14 or accepted for publication in any directory for-
15 mat.

16 **SEC. 405. ACCESS BY PERSONS WITH DISABILITIES.**

17 (a) MANUFACTURING.—A manufacturer of equip-
18 ment used for BIT, BITS, VOIP service, or broadband
19 video service shall ensure that equipment designed, devel-
20 oped, or fabricated after the date of enactment of this Act
21 is designed, developed, and fabricated to be accessible to
22 and usable by individuals with disabilities, unless the man-
23 ufacturer demonstrates that taking such steps would re-
24 sult in an undue burden.



1 (b) SERVICE PROVIDERS.—A BITS provider, VOIP
2 service provider, or broadband video service provider shall
3 ensure that the service it provides is accessible to and usa-
4 ble by individuals with disabilities, unless the provider
5 demonstrates that taking such steps would result in an
6 undue burden.

7 (c) COMPATIBILITY.—Whenever the requirements of
8 subsections (a) or (b) constitute an undue burden, the
9 manufacturer or provider shall ensure that the equipment
10 or service is compatible with peripheral devices or special-
11 ized customer premises equipment widely used by individ-
12 uals with disabilities to achieve access, unless the manu-
13 facturer or provider demonstrates that taking such steps
14 would result in an undue burden.

15 (d) INTERCONNECTION AND INTEROPERABILITY.—
16 Each BITS provider, VOIP service provider, and
17 broadband video provider has the duty not to install net-
18 work features, functions, or capabilities that do not com-
19 ply with the guidelines and standards established pursuant
20 to this section.

21 (e) PERSONS SUBJECT TO DUAL REQUIREMENTS.—
22 Any person that is subject to the requirements of this sec-
23 tion and section 255 of the 1934 Act with respect to the
24 same service or equipment shall, after the effective date
25 of the regulations required by subsection (f), be subject



1 only to the requirements of this section with respect to
2 such service or equipment and not to the requirements of
3 such section 255. This subsection shall not apply with re-
4 spect to equipment fabricated before the effective date of
5 such regulations.

6 (f) REGULATIONS.—

7 (1) DEADLINE.—Within 1 year after the date
8 of enactment of this Act, the Commission, in con-
9 sultation with the Architectural and Transportation
10 Barriers Compliance Board, shall prescribe such reg-
11 ulations as are necessary to implement this section.

12 (2) CONTENTS.—Such regulations shall—

13 (A) prohibit BITS, VOIP service, and
14 broadband video service, any provider of that
15 service, and the equipment used for any such
16 service, from impairing or impeding any closed-
17 captioning or video description that has been
18 incorporated into the content for transmission;

19 (B) require each BITS provider, VOIP
20 service provider, and broadband video service
21 provider to document steps taken to achieve ac-
22 cess, including the provider's efforts to consult
23 with individuals with disabilities and descrip-
24 tions of the accessibility features and compat-



1 ability of the provider's products or services;
2 and

3 (C) develop enforcement and expedited
4 complaint procedures.

5 (3) REVIEW AND UPDATE.—The Commission
6 shall review and if necessary update such regulations
7 periodically and at least once every four years.

8 (g) REPORT.—Every four years after the date of en-
9 actment of this Act, the Commission shall submit a report
10 to the Committee on Energy and Commerce of the House
11 of Representatives and the Committee on Commerce,
12 Science and Transportation of the Senate. Such report
13 shall assess the level of compliance with this section and
14 evaluate the extent to which any accessibility barriers still
15 exist with respect to BITS, VOIP service, or broadband
16 video service.

17 (h) DEFINITIONS.—For purposes of this section:

18 (1) DISABILITY.—The term “disability” has the
19 meaning given such term by section 3(2)(A) of the
20 Americans with Disabilities Act of 1990 (42 U.S.C
21 12102(2)(A)).

22 (2) UNDUE BURDEN.—The term “undue bur-
23 den” means significant difficulty or expense. In de-
24 termining whether the requirements of this section



1 would result in an undue burden, the factors to be
2 considered include—

3 (A) the nature and cost of the steps re-
4 quired for the manufacturer or provider;

5 (B) the impact on the operation of the
6 manufacturer or provider;

7 (C) the financial resources of the manufac-
8 turer or provider; and

9 (D) the type of operations of the manufac-
10 turer or provider.

11 **SEC. 406. MANAGEMENT OF RIGHTS-OF-WAY.**

12 (a) USE OF RIGHTS-OF-WAY AND EASEMENTS.—In
13 using public rights-of-way and easements that have been
14 dedicated to compatible uses, a BITS provider, VOIP serv-
15 ices provider, or broadband video service provider shall en-
16 sure that—

17 (1) the safety, functioning, and appearance of
18 the property and the convenience and the safety of
19 other persons not be adversely affected by the instal-
20 lation or construction of facilities necessary for such
21 service;

22 (2) the cost of the installation, construction, op-
23 eration, relocation, or removal of such facilities be
24 borne by such provider or a subscriber to such pro-
25 vider's service, or a combination of both; and



1 (3) the owner of the property be justly com-
2 pensated by such provider for any damages caused
3 by the installation, construction, operation, reloca-
4 tion, or removal of such facilities by such provider.

5 (b) PRESERVATION OF AUTHORITY.—No provision of
6 this title shall be construed to prohibit a local franchising
7 authority or other unit of State or local government—

8 (1) from enforcing the requirements of para-
9 graphs (1), (2), and (3) of subsection (a); or

10 (2) from imposing reasonable restrictions, as
11 necessary for the purposes described in subsection
12 (a)(1), on the time, place, and manner by which
13 such provider constructs, alters, or maintains facili-
14 ties that use public rights-of-way and easements for
15 the provision of such service.

16 (c) MANAGEMENT OF PUBLIC RIGHTS-OF-WAY.—
17 Subject to this section, nothing in this Act affects the au-
18 thority of a State or local government to manage the pub-
19 lic rights-of-way on a competitively neutral and non-dis-
20 criminatory basis or to require fair, reasonable, and non-
21 discriminatory compensation from a BITS provider, VOIP
22 services provider, or broadband video service provider for
23 such management.

24 (d) BONDS, INSURANCE, ETC.—A State or local gov-
25 ernment may require a BITS provider to obtain bonds,



1 security funds, letters of credit, insurance, or indemnifica-
2 tion, or to pay penalties or liquidated damages, to ensure
3 compliance with this section.

4 **SEC. 407. ACCESS TO POLES, DUCTS, CONDUITS, AND**
5 **RIGHTS-OF-WAY.**

6 (a) NONDISCRIMINATORY ACCESS.—A utility shall
7 provide a BITS provider, BIT provider, or broadband
8 video service provider with rates, terms, and conditions for
9 access to any pole, duct, conduit, or right-of-way owned
10 or controlled by such utility that are nondiscriminatory as
11 compared to the rates, terms, and conditions for such ac-
12 cess provided to any telecommunications carrier, cable op-
13 erator, or other BITS provider, BIT provider, or
14 broadband video service provider. A BITS provider, BIT
15 provider, or broadband video service provider shall provide
16 a cable television system, a telecommunications carrier, or
17 any other BITS provider, BIT provider, or broadband
18 video service provider with rates, terms, and conditions for
19 access to any pole, duct, conduit, or right-of-way owned
20 or controlled by that provider that are nondiscriminatory
21 as compared to the rates, terms, and conditions for such
22 access provided to any telecommunications carrier, cable
23 operator, or other BITS provider, BIT provider, or
24 broadband video service provider.



1 (b) CAPACITY EXCEPTION.—Notwithstanding para-
2 graph (1), a utility providing electric service may deny a
3 BITS provider or BIT provider access to its poles, ducts,
4 conduits, or rights-of-way, on a nondiscriminatory basis
5 where there is insufficient capacity and for reasons of
6 safety, reliability, and generally applicable engineering
7 purposes.

8 (c) REGULATIONS.—The Commission shall prescribe
9 such regulations are necessary to implement this section.

10 (d) DEFINITIONS.—For purposes of this section, the
11 terms “utility” and “telecommunications carrier” have the
12 meanings provided in section 224(a) of the 1934 Act.

13 **SEC. 408. STANDARD SETTING.**

14 The Commission may recognize standards developed
15 and adopted by appropriate standards-setting organiza-
16 tions for equipment used in the provision, delivery, or use
17 of BIT, BITS, VOIP service, or broadband video service.

18 **SEC. 409. GOVERNMENT AUTHORITY TO PROVIDE SERV-**

19 **ICES.**

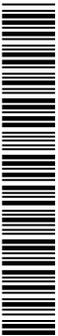
20 (a) IN GENERAL.—Neither the 1934 Act nor any
21 State statute, regulation, or other State legal requirement
22 may prohibit or have the effect of prohibiting any public
23 provider of BITS, VOIP services, or broadband video serv-
24 ices from providing such services to any person or entity.



1 (b) COMPETITION NEUTRALITY.—Any State or polit-
2 ical subdivision thereof, or any agency, authority, or in-
3 strumentality of a State or political subdivision thereof,
4 that is, owns, controls, or is otherwise affiliated with a
5 public provider of BITS, VOIP services, or broadband
6 video services shall not grant any preference or advantage
7 to any such provider. Such entity shall apply its ordi-
8 nances, rules, and policies, including those relating to the
9 use of public rights-of-way, permitting, performance bond-
10 ing, and reporting without discrimination in favor of any
11 such provider as compared to other providers of such serv-
12 ices.

13 (c) COMPLIANCE WITH OTHER LAWS NOT AF-
14 FECTED.—Nothing in this section shall exempt a public
15 provider from any law or regulation that applies to pro-
16 viders of BITS, VOIP services, or broadband video serv-
17 ices.

18 (d) DEFINITION OF PUBLIC PROVIDER.—For pur-
19 poses of this section, the term “public provider” means
20 a State or political subdivision thereof, or any agency, au-
21 thority, or instrumentality of a State or political subdivi-
22 sion thereof, that provides BITS, a VOIP service, or a
23 broadband video service, or any entity that is owned, con-
24 trolled, or is otherwise affiliated with such State or polit-



1 ical subdivision thereof, or agency, authority, or instru-
2 mentality of a State or political subdivision thereof.

3 **SEC. 410. PRESERVATION OF EXISTING LAWS.**

4 (a) IN GENERAL.—Nothing in this Act shall preempt
5 the enforcement of any State law of general applicability,
6 including those relating to theft, fraud, law enforcement,
7 or fair trade.

8 (b) ADDITIONAL RULE OF CONSTRUCTION.—Noth-
9 ing in this Act shall be construed to modify, impair, or
10 supersede, or authorize the modification, impairment, or
11 supersession of, any State or local law pertaining to tax-
12 ation.

13 (c) EMERGENCY COMMUNICATIONS AUTHORITY.—
14 Nothing in this Act shall be construed to restrict or other-
15 wise affect the Commission's jurisdiction and authority
16 with respect to emergency communications systems, capa-
17 bilities, and requirements, and the Commission shall have
18 the jurisdiction and authority to take actions or issue reg-
19 ulation on providers of services under this Act with respect
20 to emergency communications systems, capabilities, and
21 requirements.

22 (d) FEES.—Nothing in this Act prohibits the Com-
23 mission from imposing or collecting fees under sections 8
24 and 9 of the 1934 Act (47 U.S.C. 158, 159).



1 (e) FOREIGN OWNERSHIP OR CONTROL.—A registra-
2 tion statement under section 102, 202, or 302 of this Act
3 shall be considered to be a station license for purposes
4 of section 310 of the 1934 Act.

5 **SEC. 411. COMPLAINTS TO THE COMMISSION.**

6 (a) FILING AND ANSWERS.—Any person, State, State
7 commission, franchising authority, or other instrumen-
8 tality of a State or local government, may complain to the
9 Commission of anything done or omitted to be done in
10 violation of any duty, obligation, or requirement under this
11 Act. The Commission shall forward the complaint to the
12 relevant party who shall answer the complaint within a
13 reasonable period of time and in a manner to be specified
14 by the Commission.

15 (b) INVESTIGATION AND ORDER.—The Commission
16 shall investigate the matters complained of and issue an
17 order concluding such investigation within the 90-day pe-
18 riod after the date on which the complaint was filed, ex-
19 cept that the Commission may extend that period for a
20 single additional 90 days. Such order shall grant or deny
21 the complaint, in whole or in part, and shall contain a
22 written explanation of the basis of the decision.

23 (c) MEDIATION OR ARBITRATION.—The Commission
24 in its discretion may mediate or arbitrate any issue arising
25 under such complaint.



1 (d) ORDERS FOR THE CONTINUATION OF SERVICE.—

2 The Commission may, at the time that a complaint is
3 made, issue an order requiring a BIT provider, BITS pro-
4 vider, VOIP service provider, or broadband video service
5 provider to continue to provide service while the Commis-
6 sion investigates and resolves such complaint.

7 (e) PROTECTIVE ORDERS.—The Commission may
8 issue orders protecting the status of the parties or the
9 rights of subscribers, or both, pending resolution of the
10 complaint.

11 (f) DAMAGES.—The Commission is authorized to
12 issue an order directing a provider of services under this
13 Act to pay the damages to a complaining party for a viola-
14 tion of this Act or the regulations thereunder.

15 (g) REGULATIONS.—The Commission shall prescribe
16 such regulations as are necessary to implement this sec-
17 tion.

18 **SEC. 412. COMMISSION AUTHORITY OVER DOCUMENTS.**

19 The Commission shall have authority to require the
20 filing of any contract, agreement, or arrangement with any
21 party, or any other data, documents or records, related
22 to the provisions of this Act, including or any complaint
23 filed under section 411 of this Act.



1 **SEC. 413. REVOCATION OF REGISTRATION.**

2 (a) **AUTHORITY TO REVOKE REGISTRATION.**—The
3 Commission may revoke a registration statement under
4 section 102, 202, or 302—

5 (1) for false statements knowingly made in the
6 registration statement or other materials filed with
7 the Commission in connection with registration or
8 renewal;

9 (2) because of conditions coming to the atten-
10 tion of the Commission for which the Commission
11 would have disapproved of such registration state-
12 ment; or

13 (3) for willful or repeated violations of, or will-
14 ful or repeated omissions of, any duty, obligation, or
15 requirement under this Act or any rule or regulation
16 of the Commission authorized under this Act.

17 (b) **PROCEDURE.**—

18 (1) **SHOW CAUSE ORDER.**—Before revoking a
19 registration under this Act, the Commission shall
20 issue an order to the registered person to show
21 cause why an order of revocation should not be
22 issued which shall require the person to answer or
23 appear (or both) before the Commission.

24 (2) **REVOCATION ORDER.**—If the Commission
25 determines that an order of revocation should issue,
26 it shall issue such order, which shall include a state-



1 ment of the findings of the Commission and the
2 grounds and reasons for the revocation.

3 (3) NOTICE TO OTHER AUTHORITIES.—The
4 Commission shall notify the appropriate State com-
5 mission of such revocation and, if such registration
6 concerns a broadband video service provider, shall
7 notify each local franchising authority for which
8 such registration is effective, of such revocation.

9 **SEC. 414. ADDITIONAL REMEDIES.**

10 This Act shall be enforced by the Commission under
11 titles IV and V of the 1934 Act (47 U.S.C. 401, 501 et
12 seq.). A violation of any provision of this Act shall be
13 treated as a violation of the 1934 Act, and a violation of
14 a regulation issued under this Act shall be treated as a
15 violation of a regulation issued under the 1934 Act.

